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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,548	04/08/2004	Eugene Jarvis	0114066-010	8369

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EXAMINER
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RADA, ALEX P

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/820,548

Applicant(s)

JARVIS ET AL.

Examiner

Alex P. Rada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

In response to the amendment filed December 6, 2004 in which the applicant submits a terminal disclaimer and claims 1-62 are pending in this office action.

### *Terminal Disclaimer*

1. The terminal disclaimer filed on December 6, 2004 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of U.S. Patent no. 6,726,427 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-15, 17, 19, 22-36, 38, 40, and 43-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sines et al. (US 6,651,985) in view of D'Aurora et al. (US 6,663,486) and Scarne's (New Complete Guide to Gambling). 16, 18, 20, 37, 39, and 41 21 and 42

4. Sines et al discloses the following:

A multiple play twenty-one game having a display device operable to display the card game to the player, an input device (not shown), a computing

device operable with the display device and the input device to (figures 24-25):

(a) deal a plurality of cards to each of the player's hands, each of the cards in the player's hands having a value (figures 13), (b) deal a plurality of cards to the dealer's hand, one of the cards being dealt face up, each of the cards in the dealer's hand having a value (figures 13), (c) determine a point value for each of the player's hands, the point value for each of the player's hands being based on the values of the cards in the player's hand (figures 13-15); (f) determine a point value for the dealer's hand, the point value being based on the values of the cards in the dealer's hand; (g) deal one or more additional cards to the dealer's hand unless or until the point value of the dealer's hand satisfies predefined criteria (column 16, lines 60-65); and (h) determine which of the player's hands are winning hands as recited in claims 1 and 22.

Each of the player's hands, the point value determined for the player's hand includes a sum of the values in the player's hand (figure 14) as recited in claims 5 and 26.

The display device includes at least one image displaying, for each of the player's hands, the sum of the values in the player's hand (figure 14) as recited in claims 6 and 27.

The point value of the dealer's hand includes a sum of the values in the dealer's hand (figure 14) as recited in claims 7 and 28.

The predefined criteria includes criteria selected from the group consisting of criteria that causes the dealer's hand to be dealt additional cards until the point value of the dealer's hand is equal to or greater than seventeen,

criteria that causes the dealer's hand to be dealt additional cards until the point value of the dealer's hand is equal to or greater than sixteen, and criteria that causes the dealer's hand to be dealt an additional card if the point value of the dealer's hand is a 'soft' sixteen or less (column 16, lines 60-65) as recited in claims 8, 29, 44, 49, 54, and 59.

The card game includes at least one Blackjack rule (column 18, lines 32-47) as recited in claims 9 and 30.

The Blackjack rule includes a rule that permits one of the player's hand to be a winning hand only if the point value of the player's hand is less than or equal to twenty-one, in which the examiner interprets to be the basic play of black jack as recited in claims 10 and 31.

A plurality of credits associated with the winning hand, the credits being awardable to the player (column 21, lines 62-64) as recited in claims 11 and 35.

The computing device includes a computer instruction executable to enable the player to input a decision according to the Blackjack rule (figures 24 and 25) as recited in claims 12 and 32.

The decision includes a decision selected from the group consisting of a decision to double down, a decision to split a pair, a decision to take insurance and a decision to surrender (figure 26) as recited in claims 13, 33, 45, and 50 and 60.

The computing device includes a computer instruction executable to automatically apply the decision to each of the player's hands (figure 26) as recited in claims 14 and 34.

The computing device includes a computer instruction executable to cause at least one of the cards dealt to one of the player's hands to be different from at least one of the cards dealt to another one of the player's hands (figure 15) as recited in claims 15 and 36.

The computing device includes a computer instruction executable to cause a plurality of the cards to be dealt from a plurality of sets of one or more decks of playing cards that may or may not be identical (column 24, lines 4-5) as recited in claims 17 and 38.

The computing device includes a computer instruction executable to enable the player to select a wager to be placed on at least one of the player's hands (figure 8) as recited in claims 19 and 40.

A multiple play twenty-one game having a display device operable to display the card game to the player, an input device (not shown), a computing device operable with the display device and the input device to (figures 24-25); (a) deal a plurality of cards to each of the player's hands, each of the cards in the player's hands having a value (figures 13); (b) deal a plurality of cards to the dealer's hand, one of the cards being dealt face up, each of the cards in the dealer's hand having a value (figures 13); (c) sum the values of the cards for each of the player's hands to determine a point value for each of the player's hands (figures 13-15); (f) sum the values of the cards in the dealer's hand to determine a point value for the dealer's hand (figures 13-15); (g) deal one or more additional cards to the dealer's hand unless or until the point value of the dealer's hand satisfies

predefined criteria (column 16, lines 60-65); and (h) determine which of the player's hands are winning hands as recited in claims 43, 48, 53, and 58.

The display device includes at least one image displaying, for each of the player's hands, the point value of the player's hand (figure 15) as recited in claims 47, 52, 57, and 62

Sines et al does not expressly disclose the following:

(d) Enable the player to input a single point value for determining when the point value of each of the player's hands satisfies a predefined relation to the single point value and (e) deal one or more additional cards to each of the player's hands until the point value for each of the player's hands satisfies the predefined relation as recited in claims 1, 22, 43, 48, 53, and 58.

The predefined relation includes a condition of being equal to or greater than the single point value input by the player as recited in claims 2 and 23.

The predefined relation includes a condition of being equal to the single point value input by the player as recited in claims 3 and 24.

The predefined relation includes a condition of being greater than the single point value input by the player as recited in claims 3 and 25.

The computing device includes a computer instruction executable to automatically apply the decision to each of the player's hands as recited in claims 46, 51, 56, and 61.

D'Aurora et al and Scarne's teaches the following:

Enable a player to set playing strategy parameters (auto play) according to the dealers up card (figure 23) for automatic play. D'Aurora et al is silent

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regarding a single point value for determining when the point value of each of the player's hands satisfies a predefined relation to the single point value. Scarne's (pg. 377-378) teaches hit-and-stand rules for the player according to the dealers up card. By setting parameters (auto play) for a single point value and dealing one or more additional cards until the single point value is greater or equal to the point value, one of ordinary skill in the art would enable users to maximize there playing strategies in order to receive the maximum winning percentage.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the basic strategy of Sines et al to include to a single point value for determining when the point value of each of the player's hands satisfies a predefined relation to the single point value, deal one or more additional cards to each of the player's hands until the point value for each of the player's hands satisfies the predefined relation and the predefined relation includes a condition of being equal to or greater than the single point value input and automatic play as taught by D'Aurora et al and Scarne's to enable users to maximize there playing strategies in order to receive the maximum winning percentage.

5. Claims 16, 18, 20, 37, 39, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sines et al. (US 6,651,985) in view of D'Aurora et al. (US 6,663,486) and Scarne's (New Complete Guide to Gambling) as applied to claims 1 and 22 above, and further in view of Moody (US 5,954,335).

6. Sines et al in view of D'Aurora et al and Scarne's disclose the claimed invention as discussed above except for the following:



The computing device includes a computer instruction executable to cause the cards dealt to the player's hands to be identical for each of the player's hands as recited in claims 16 and 37.

The computing device includes a computer instruction executable to enable the player to select a quantity of hands to play against the dealer's hand as recited in claims 18 and 39.

The computing device includes a computer instruction executable to cause each of the player's hands to have an identical wager as recited in claims 20 and 41.

Moody teaches the following:

The computing device includes a computer instruction executable to cause the cards dealt to the player's hands to be identical for each of the player's hands, in which the examiner interprets the player repeats the play of each hand again using the first two cards with each additional wager to be equivalent to the cards dealt to the player's hands to be identical for each of the player's hands (summary and figures 1-4) as recited in claims 16 and 37.

The computing device includes a computer instruction executable to enable the player to select a quantity of hands to play against the dealer's hand (summary and figures 1-4) as recited in claims 18 and 39.

The computing device includes a computer instruction executable to cause each of the player's hands to have an identical wager (column 5, lines 33-36) as recited in claims 20 and 41.

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By having identical playing hands and a selected number of hands to play, one of ordinary skill in the art would increase the potential revenue of the gaming establishment by the increased number of hands per hour and provide game players opportunities to win whenever a player achieves a good hand.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to further modify Sines et al to further include enabling cards dealt to the player's hands to be identical for each of the player's hands and the player to select a quantity of hands to play against the dealer's hand as taught by Moody to increase the potential revenue of the gaming establishment by the increased number of hands per hour and provide game players opportunities to win whenever a player achieves a good hand.

7. Claims 21 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sines et al. (US 6,651,985) in view of D'Aurora et al. (US 6,663,486) and Scarne's (New Complete Guide to Gambling) as applied to claims 1 and 22 above, and further in view of LeVasseur (US 5,154,429).

8. Sines et al in view of D'Aurora et al and Scarne's disclose the claimed invention as discussed above except for the following:

The card game includes a plurality of hands for the dealer as recited in claims 21 and 42.

LeVasseur teaches the following:

The card game includes a plurality of hands for the dealer (figure 1) as recited in claims 21 and 42. By having a plurality of dealer hands, one of ordinary skill in the art would increase the potential revenue to the gaming establishment

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and provide the players with multiple opportunities to win whenever the player achieves a good hand.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to further modify Sines et al to further include multiple dealer hands as taught by LeVasseur to increase the potential revenue to the gaming establishment and provide the players with multiple opportunities to win whenever the player achieves a good hand.

### *Response to Arguments*

9. Applicant's arguments with respect to claims 1-62 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Walker et al discloses a gaming device with the ability for the player to modify the gaming machine with different parameters.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on 571-272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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